<u>REMARKS</u>

Claims 1-27 were pending. Claims 15-27 are allowed. Claims 1-14 are rejected. The Applicant has amended claims 1-14 above. The Applicant hereby requests further consideration and re-examination in view of the amendments made above and remarks set forth below.

<u>Telephonic Interview</u>:

A telephonic interview was held on November 1, 2006, between the undersigned and Examiner Golden. A possible amendment to claims 1 and 8 that would overcome the rejection under 35 U.S.C. § 101 was discussed. Specifically, the undersigned suggested that amending independent claims 1 and 8 to recite placing the data objects onto the nodes of the distributed storage system would achieve a tangible result and, thus, would overcome the rejection of claims 1-14. Examiner Golden agreed.

<u>Claim Rejections</u>:

Claims 1-14 stand rejected as being directed to non-statutory subject matter under 35 U.S.C. § 101. In particular, the office action mailed on July 7, 2006, states that claims 1-14 lack a tangible result from completing the recited method steps.

Independent claims 1 and 8 have been amended to recite a step of placing the data objects onto the nodes of the distributed storage system using a data placement heuristic selected in accordance with the determined lower and upper bounds. This amendment is supported by the applicants' specification. Specifically, Figure 1 of the applicants' specification illustrates a distributed storage system which includes a number of nodes coupled together by a network. See applicants' specification at page 7, lines 13-21. A data placement heuristic places replicas of the data objects onto the nodes. Applicants' specification at page 7, lines 22-23. Figure 2 illustrates an embodiment of a method for selecting a heuristic class for the data placement based on a lower bound for the replication cost determined by solving an integer program. See applicants' specification at page 14, line 30, to page 15, line 1. A specific example of the integer program is recited in applicants' claims 1 and 8 and employs a relaxation of binary variables and

determines upper and lower bounds, as described with reference to Figure 6. Therefore, no new matter has been added by the amendments to claims 1 and 8.
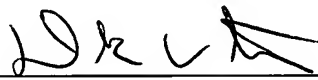
In view of the amendments to claims 1 and 8, these claims recite that the data objects are placed onto the nodes of the distributed storage system using a data placement heuristic selected in accordance with the determined lower and upper bounds. The placement of the data objects onto the nodes is concrete, tangible, and useful. Therefore, claims 1 and 8 are directed toward statutory subject matter. Dependent claims 2-7 and 9-14 are directed toward statutory subject matter at least because each depends from claim 1 or 8.

<u>Conclusion:</u>

In view of the above, the Applicant submits that all of the pending claims are now allowable. Allowance at an early date would be greatly appreciated. Should any outstanding issues remain, the Examiner is encouraged to contact the undersigned at (408) 293-9000 so that any such issues can be expeditiously resolved.

Respectfully Submitted,

Dated: _November 2, 2006_

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